IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15910 of 2003

Between:

Smt.B.Lakshmi w/o. Ramesh
Kattu Kacharam village Nelakondapalli Mandal,
Khammam District

.... PETITIONER

AND

1 The Revenue Divisional Officer Khammam
2 The Mandal Revenue Officer, Nelakondapalli Mandal,
Khammam District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the action of the respondents in taking steps to appoint fresh candidate in the place of the petitioner as F.P. Shop Dealer without issuing any notice is illegal, arbitrary and violation of principles of natural justice and consequently direct the respondents to continue the petitioner as F.P Shop Dealer in Kattu Kacharam (V), Nelakondapalli Mandal, Khammam District and pass such other or further orders

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: G.P. for Civil Supplies.

The Court Made the Following ORDER:

The petitioner is temporarily appointed as fair price shop dealer for Kattukacharam Village, Nelakondapalli Mandal, Khammam District. Though she has not granted any authorization of fair price shop, she was permitted to lift the essential commodities to distribute the same to the cardholders on the prices fixed by the Government vide proceedings dated 5-1-2003. When the notification has been issued to fill up the vacancy of fair price shop the petitioner filed the present writ petition for issuance of a Writ of Mandamus declaring the action of the respondents in taking steps to appoint a fresh candidate as fair price shop dealer without issuing any notice to her as arbitrary and illegal.

In the counter affidavit filed by the first respondent, it is clearly stated that on cancellation of the authorization granted in favour of Sri M. Yesu, fair price shop dealer of Kattukacharam village vide proceedings dated 7-12-2002, the shop fell vacant and temporary arrangement has been made for issue of essential commodities to the cardholders. Accordingly, the petitioner, who is a Dwakra Group Leader of Kattukacharam village, has been temporarily appointed as fair price shop dealer without giving any authorization for distribution of essential commodities. After expiry of the appeal period as no appeal has been preferred by

the earlier dealer, a notification dated 14-7-2003 has been issued to fill up the vacancy of fair price shop dealer on permanent basis. Since the petitioner has not responded to the said notification, interviews were conducted on 28-7-2003 and one Sri Peddipaka Srinivasa Rao has been appointed as fair price shop dealer.

Since the appointment of petitioner itself clearly indicates that her appointment as fair price shop dealer is temporary and no authorization was granted in her favour, and steps have been taken to appoint fair price shop dealer on permanent basis by issuing notification, the petitioner would not have any right to continue as fair price shop dealer.

Accordingly the Writ Petition is dismissed. No costs.

Js 22nd June, 2004